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Dkt. 48879-B/JPW/SHS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Robert E. Canfield, et al.

Serial No.: 09/404,076

Group Art Unit: 1644

Filed : September 23, 1999

Examiner: Karen Clemens

For : ANTIBODIES SPECIFIC FOR HLH BETA CORE FRAGMENT AND
USES THEREOF

1185 Avenue of the Americas
New York, New York 10036
April 23, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

SIR:

COMMUNICATION FORWARDING TERMINAL DISCLAIMER

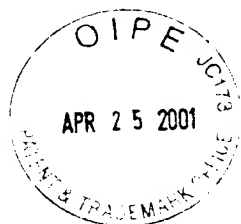
This Communication Forwarding Terminal Disclaimer is submitted further to an Amendment in Response to September 13, 2000 Office Action and Petition for a Three-month Extension of Time filed on March 13, 2001 in connection with the subject application. Applicants attach hereto as Exhibit A a Terminal Disclaimer which they contend obviates the obviousness-type double patenting rejection raised in the September 13, 2000 Office Action. Applicants respectfully request that the Examiner reconsider and withdraw the various grounds of objection and rejection set forth in the September 13, 2000 Office Action in view of the Amendment filed on March 13, 2001 and the filing of the attached terminal disclaimer, earnestly solicit allowance of the now pending claims, i.e. claims 1 and 4.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone either of them at the

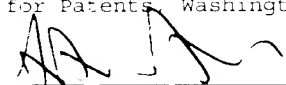
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number provided below.

No fee, other than the enclosed \$55.00 fee under 37 C.F.R. §1.20(d) for the submission of a terminal disclaimer, is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.



Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.	
	4-23-01
John P. White	Date
Reg. No. 28,678	
Spencer H. Schneider	
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Washington, D.C. 20231

SIR:

TERMINAL DISCLAIMER

The Trustees of Columbia University in the City of New York, the assignee of record of the entire right, title and interest in and to the subject application by virtue of an Assignment recorded at Reel No. 8440, Frames 0321-0324 from Robert E. Canfield, Steven Birken, John O'Connor, and Galina Kovalevskaya of U.S. Serial No. 08/763,669, filed December 11, 1996, now U.S. Patent No. 5,976,876, issued November 2, 1999 (of which this application is a continuation application), a copy of which is attached hereto as Exhibit 1, hereby disclaims, except as provided below, the terminal portion of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 of U.S. Patent No. 5,976,876 and hereby agrees that any patent issued from the subject application shall be enforceable only for and during such period that the legal title to such patent

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shall be the same as the legal title to U.S. Patent No. 5,976,876, this agreement to run with any patent granted on the subject application and to be binding upon the grantee, its successors and assigns. In making the above disclaimer, The Trustees of Columbia University in the City of New York do not disclaim the terminal part of any patent granted on the subject application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of U.S. Patent No. 5,976,876, in the event that U.S. Patent No. 5,976,876 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

I have reviewed the assignment attached hereto and certify that, to the best of my knowledge and belief, The Trustees of Columbia University in the City of New York has all right, title and interest in and to the subject application. I am authorized to sign on behalf of the assignee, The Trustees of Columbia University in the City of New York.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the

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like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 03/13/01

The Trustees of Columbia University
in the City of New York

By: 

Michael J. Cleare, Ph.D.
Executive Director
Columbia Innovation Enterprise

